

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15**

STARBUCKS CORPORATION

and

WORKERS UNITED

**Cases: 15-CA-290336
15-CA-290337
15-CA-293868
15-CA-294687**

**RESPONDENT STARBUCKS CORPORATION'S FIRST AMENDED ANSWER AND
AFFIRMATIVE DEFENSES TO THIRD CONSOLIDATED COMPLAINT**

Respondent Starbucks Corporation (hereinafter "Respondent") hereby files this Answer to the General Counsel's Third Consolidated Complaint, as follows:

1. Respondent admits that it received the charges identified in paragraph 1 of the Third Consolidated Complaint but lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph, and therefore denies those allegations.

2. Respondent admits the allegations contained in paragraph 2 of the Third Consolidated Complaint.

3. (a) Respondent admits the allegation contained in paragraph 3(a) of the Third Consolidated Complaint.

(b) Respondent admits the allegation contained in paragraph 3(b) of the Third Consolidated Complaint.

4. Respondent admits the allegations contained in paragraph 4 of the Third Consolidated Complaint.

5. Respondent admits the allegation contained in paragraph 5 of the Third Consolidated Complaint.

6. Respondent admits the allegations contained in paragraph 6 of the Third Consolidated Complaint.

Consolidated Complaint, except as to Mia Poindexter. Respondent denies the allegations contained in paragraph 6 of the Third Consolidated Complaint as they relate to Mia Poindexter.

7. (a) Respondent denies the allegations contained in paragraph 7(a) of the Third Consolidated Complaint.

(b) Respondent avers that it lacked the required staffing at the store located at 3388 Poplar Avenue, Memphis, Tennessee on January 21 and January 23, 2022 and therefore the café portion of the store was closed on those two days. Respondent denies that the café portion of the store was closed on January 22, 2022.

(c) Respondent denies the allegations contained in paragraph 7(c) of the Third Consolidated Complaint.

8. (a) Respondent denies the allegations contained in paragraph 8(a) of the Third Consolidated Complaint.

(b) Respondent denies the allegations contained in paragraph 8(b) of the Third Consolidated Complaint

(c) Respondent denies the allegations contained in paragraph 8(c) of the Third Consolidated Complaint.

(d) Respondent denies the allegations contained in paragraph 8(d) of the Third Consolidated Complaint.

(e) Respondent denies the allegations contained in paragraph 8(e) of the Third Consolidated Complaint

(f) Respondent denies the allegations contained in paragraph 8(f) of the Third Consolidated Complaint.

9. (a) Respondent admits on January 14, 2022, partner Cara Nicole Taylor

received one corrective action. Respondent denies that such action violated the Act and denies the remaining allegations contained in paragraph 9(a) of the Third Consolidated Complaint.

(b) Respondent incorporates by reference its response to paragraph 7(b) as though fully set forth herein.

(c) Respondent admits that it discharged the persons listed in paragraph 9(c) of the Third Consolidated Complaint but denies that such discharges violated the Act.

(d) Respondent denies the allegations contained in paragraph 9(d) of the Third Consolidated Complaint.

(e) Respondent denies the allegations contained in paragraph 9(e) of the Third Consolidated Complaint.

10. Respondent denies the allegations contained in paragraph 10 of the Third Consolidated Complaint.

11. Respondent denies the allegations contained in paragraph 11 of the Third Consolidated Complaint.

12. Respondent denies the allegations contained in paragraph 12 of the Third Consolidated Complaint.

13. Respondent denies each and every allegation not expressly admitted.

REMEDIES

Remedy (a)-(e) Respondent denies that the General Counsel, the Charging Party, or the discriminatees are entitled to any of the requested remedies as set forth on pages 5-7 of the Third Consolidated Complaint and denies that the requested forms of relief under this Third Consolidated Complaint serve appropriate remedial purposes under the Act. Respondent further avers and states that the requested remedies, including but not limited to the requirements to read

the notice at one or more mandatory meetings at the Respondent's premises, to pay consequential damages, and to train supervisors, are extraordinary and punitive remedies not appropriate under the circumstances of this case.

AFFIRMATIVE AND OTHER DEFENSES

1. The Third Consolidated Complaint fails to state a claim upon which relief may be granted.
2. The allegations in the Third Consolidated Complaint are impermissibly vague and ambiguous.
3. The allegations in the Third Consolidated Complaint, and the charges underlying the Third Consolidated Complaint, were filed and made in bad faith, and for vexatious and improper purposes, including to infringe upon Respondent's rights and the operation of its business.
4. To the extent that the Third Consolidated Complaint contains allegations that are beyond the scope of the charge(s), such allegations are barred.
5. At all material times, Respondent has acted in good faith and in compliance with the Act.
6. The individuals identified in paragraph 9 of the Third Consolidated Complaint were discharged for lawful reasons and for cause within the meaning of Section 10(c) of the Act and accordingly are not entitled to relief.
7. The individuals identified in paragraph 9 of the Third Consolidated Complaint violated Respondent's rules and practices, and also interfered with their own work, the work of employees and/or with Respondent's operations in properly and safely closing a store.

8. The National Labor Relations Board is not empowered to substitute its judgment for Respondent's lawful employment decisions, which it is seeking to do in the instant Third Consolidated Complaint, and by way of its requested remedies.

9. Assuming, arguendo, any Complaint allegation is found to be a violation of the Act, a retroactive remedy would be a manifest injustice and denial of due process.

10. Any statement made by any of Respondent's supervisor's and/or agents during the time covered by the Third Consolidated Complaint fall is protected under Section 8(c) of the Act, and as such, neither constitutes nor can be used as evidence of an unfair labor practice.

11. Insofar as this case comes before the Board, Members Gwynne Wilcox and David Prouty should recuse themselves based on their past, present and perceived relationship with the Service Employees ("SEIU") International and Local Unions, and their affiliates, including the Charging Party Workers United.

12. Any Complaint allegations outside the applicable statute of limitations or any evidence relating to conduct outside the applicable statute of limitations are time barred by Section 10(b) of the Act.

13. The employment of some or all of the alleged discriminatees is barred by after-acquired evidence.

14. Respondent reserves the right to amend, modify, revise and plead further any additional defenses, affirmative or otherwise, during the course of these proceedings.

WHEREFORE, Respondent Starbucks Corporation prays that an Order dismissing the Third Consolidated Complaint in its entirety with prejudice, be entered and that Respondent have such other and further relief to which it may be entitled.

Respectfully submitted,

/s/ Arthur T. Carter

Arthur T. Carter
Amanda M. Ploof
Littler Mendelson, P.C.
2001 Ross Avenue
Suite 1500, Lock Box 116
Dallas, Texas, 75201-2931
Telephone: (214) 880-8100
Facsimile: (214) 880-0181
atcarter@littler.com
aploof@littler.com

A. John Harper III
Littler Mendelson, P.C.
1301 McKinney Street, Suite 1900
Houston, Texas 77010-3031
Telephone: (713) 951-9400
Facsimile: (713) 951-9212
ajharper@littler.com

Kimberly Doud
Littler Mendelson, P.C.
111 North Orange Avenue, Suite 1750
Orlando, Florida 32801
Telephone: (407) 393-2900
Facsimile: (407) 393-2929
kdoud@littler.com

ATTORNEYS FOR RESPONDENT
STARBUCKS CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing First Amended Answer to Third Consolidated Complaint were served on the following by electronic filing, email and/or U.S. mail this 11th day of September, 2022:

Michael B. Schoenfeld
Stanford Fagan LLC
2540 Lakewood Ave. SW
Atlanta, GA 30315
michaels@sfglawyers.com

Richard P. Rouco
QUINN, CONNOR, WEAVER,
DAVIES & ROUCO LLP
2 – 20TH Street North, Suite 930 Birmingham, Alabama 35203
Telephone: 205-870-9989
Facsimile: 205-803-4143
rrouco@qcwdr.com

M. Kathleen McKinney, Regional Director
National Labor Relations Board
Region 15
600 South Maestri Place, 7th Floor
New Orleans, LA 70130-3413
Kathleen.mckinney@nrlb.gov